

REMARKS

Claims 1-18 are pending and rejected. Claim 1 is amended and claim 3 is cancelled hereby.

Responsive to the rejection of claims under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,067,526 (Herring), Applicants have amended claim 1 and cancelled claim 3 and submit that claims 1, 2 and 4-18 are now in condition for allowance.

The Examiner did not clearly delineate the claims that were rejected by Herring, so in order to be fully responsive Applicants have assumed that all of the claims were rejected thereby.

Herring discloses a 14 harness dual layer papermaking fabric (Figs. 5-8) having a sheet side and a machine side. The fabric includes a set of machine direction yarns and a first set of cross-machine direction yarns extending mainly on the sheet side and a second set of cross-machine direction yarns extending mainly on the machine side. Both sets are interwoven with machine direction yarn with the sheet side knuckles of the machine direction yarns floating over two of the sheet side cross-machine direction yarns. The interlacing of the machine direction yarns and the cross-machine direction yarns includes at least one machine direction yarn interposed between the lowermost portions of each of the sheet side cross-machine direction yarns and any subjacent machine side cross directional yarns (Abstract). Figs. 5-8 illustrate the interlacing of machine direction yarns with respective layers of cross-machine direction yarns (column 3, line 67 through column 4, line 11). As can be seen in the figures, only the machine direction yarns interlace the sheet side and machine side layers of cross direction yarns and that none of the cross direction yarns of the sheet side or machine side interlace with the opposite sides (Figs. 1-8).

In contrast, claim 1 as amended, recites in part:

said paper side layer and said machine side layer each having a predetermined repeat of the weave pattern in the cross-machine direction;

at least one of said plurality of pairs of first and second intrinsic, interchanging weft yarns having at least four segments in the paper side layer within each repeat of the weave pattern. ... the yarns of said intrinsic, interchanging weft pairs are both binder wefts or one of the interchanging yarns is a binder weft and the other is a top weft in the weave pattern.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Herring or any of the other references, alone or in combination, and includes distinct advantages thereover.

Herring discloses a fabric with interlacing machine direction yarns and cross-machine direction yarns that do not interlace between the sheet side and machine side layers. In contrast, Applicants have claimed a weave pattern in the cross-machine direction having at least four segments on a paper side of an interchanging weft yarn in each repeat of the weave pattern. The weave pattern is described as a cross-machine direction weave pattern and the fabric of Herring has no interchanging cross-machine direction yarns, so none of the cross-machine direction yarns can be considered as interchanging yarns. Herring only has machine direction yarns that interchange with cross-machine direction yarns. Applicants have further indicated that the interchanging weft pairs, which again are cross-machine direction yarns, as they are woven serve either as both binder wefts or one of the interchanging yarns is a binder weft and the other being a top weft within the weave pattern of Applicants' invention. Further, when specifically viewing Fig. 5 of Herring, it can see that no binder weft yarns are shown, using the convention that Applicants have used in that the cross machine direction yarns are the weft yarns. The weft yarns of Fig. 8 do not indicate any binding of the upper and lower layers. Therefore, Herring, and any of the other cited references alone or in combination, fail to disclose, teach or suggest the paper side layer and the machine side layer each having a predetermined repeat of the weave pattern in the cross-machine direction; at least one of the plurality of pairs of first and second intrinsic, interchanging weft yarns having at least four segments in the paper side layer within each repeat

of the weave pattern, ... the yarns of the intrinsic, interchanging weft pairs are both binder wefts or one of the interchanging yarns is a binder weft and the other is a top weft in the weave pattern, as recited in claim 1.

An advantage of Applicants' invention is that the at least four segments per repeat pattern in the cross machine direction improves the binding of the layers. Another advantage is that the planarity of the paper side is increased in comparison to fabrics that have only two but longer segments per repeat. Yet another advantage of Applicants' invention is that the interlacing yarns do not run in the machine direction, which is the primary direction in which tension is applied that can lead to different compressive forces on the layers of the fabric than if the interlacing machine yarns are in a cross-machine direction as in Applicants' invention. This phenomenon can also be understood in that the stretching of the fabric in the machine direction has no influence on the binding yarns of Applicants' invention since the binding yarns run in the cross machine direction. For the foregoing reasons, Applicants submit that claim 1 and claims 2 and 5-18 depending therefrom are now in condition for allowance, which is hereby respectfully requested.

Claims 15, 17 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Herring. However, claims 15, 17 and 18 depend from claim 1, and claim 1 is now in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 15, 17 and 18 are now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally

petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095,

TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,

/Max W. Garwood/

Max W. Garwood
Registration No. 47,589

Attorney for Applicant

MWG/dc/lp

TAYLOR & AUST, P.C.
142 S. Main Street
P.O. Box 560
Avilla, IN 46710
Telephone: 260-897-3400
Facsimile: 260-897-9300

Electronically Filed: October 11, 2007.